

Exhibit G

DEPOSITION OF SERGEANT TREVOR VONNEGUT

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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AG.G. a minor, by and through)
his guardian ad litem, JESSICA)
AQUINO; AR.G., a minor, by and)
through his guardian ad litem,)
JESSICA AQUINO; KARLA GONSALEZ)
individually; and AUGUSTIN)
GONSALEZ, JR., individually,)

Plaintiffs,)

vs.)

CASE NO.: 4:19-cv-00697 DMR

CITY OF HAYWARD, a municipal)
corporation; MARK KOLLER,)
individually; PHILLIP WOOLEY,)
individually; MICHAEL CLARK,)
individually; TASHA DECOSTA,)
individually; and DOES 1-100,)
inclusive,)

Defendants.)

CERTIFIED COPY

DEPOSITION OF SERGEANT TREVOR VONNEGUT
(PMK and Scene Supervisor)

MONDAY, JANUARY 27, 2020

REPORTED BY: KELLY L. MCKISSACK, CSR #13430

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1 A. Yes.

2 Q. Can you tell me how the training is conducted.

3 A. The training is conducted in a -- either one
4 of our rooms where we go through the PowerPoint. So
5 classroom setting. There'll be -- one of the PowerPoint
6 there's a test that's usually attached to it. There's a
7 certification form that gets signed by the officers
8 saying that they've done the things that are required.

9 And then depending on the training that is set
10 up, there'll be transition drills. So officers will
11 practice taking the Taser in and out of the holster.
12 There'll be transition drills between transitioning
13 between the Taser and a firearm. Some of those
14 transitions will include verbal commands. Some will
15 include actually giving commands to, you know, a suspect
16 of what they want them to do based on pulling the Taser
17 out.

18 Some will include firing the Taser. We fire
19 two cartridges, two live cartridges during the training.
20 And then usually that will be attached to some sort of
21 maybe scenario-based training.

22 Q. And do user or users of the Taser still go
23 through the experience of being tased?

24 A. It is voluntary. I like to think if officers
25 like to be tased.

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1 Q. Because these things are great when you first
2 buy them, but not so great afterwards. All right.

3 What I'd like to do actually is to make this
4 Exhibit A. And this is the Taser printouts, the
5 collection that we just reviewed. Bates stamp 780, the
6 last three digits, through 833.

7 (Whereupon, Exhibit A was marked for
8 identification.)

9 BY MR. NISENBAUM: Q. Now, I assume that you've trained
10 officers as to the purpose of the Taser, correct?

11 A. Correct.

12 Q. What is your understanding of the purpose of
13 the Taser?

14 A. So it's considered an intermediate use of
15 force where it can be used to, if deployed properly, it
16 could actually physically -- it's called Neuro Muscular
17 Incapacitation. It actually will lock, best layman's
18 terms, it will lock muscles up for somebody who is
19 actively resisting. And it gives officers an
20 opportunity to safely detain subjects while they're not
21 able to keep fighting, flail their arms, have access to
22 any weapons, anything like that.

23 Q. Okay. And do you train officers that the
24 Taser can be used -- or strike that.

25 Do you train officers that the Taser should be

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1 used if you're at a reasonable distance from a person
2 against a person who is armed with a knife?

3 A. It depends on the situation. But generally on
4 a one-on-one situation, no.

5 Q. Well, let's assume -- and that's because if
6 the Taser fails, then you have to transition to a gun,
7 correct, if the person were attacking you?

8 A. I would hope the officers would, yes.

9 Q. Okay. But if you have multiple officers at
10 the scene, it's not a one-on-one situation. Let's say
11 it's a three-on-one situation. Then you would train
12 officers that you would use the Taser first with lethal
13 cover as backup, correct?

14 A. We would not train officers to use a Taser
15 first. But if time and distance allows, we train
16 officers to have lethal force, nonlethal force, an
17 arrest team, if possible, to go hands-on. So we try to
18 get as many options available. And then it's up to the
19 officers at the scene to decide what would be the most
20 appropriate.

21 Q. Okay. Well, I assume that you're familiar
22 with the department's Use of Force Policy, correct?

23 A. Yes.

24 Q. And the Use of Force Policy takes into
25 consideration the availability of less lethal

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1 alternatives to lethal force, correct?

2 A. Yes.

3 Q. Okay. And why does it do that, if you know?

4 A. Well, all encounters we're trying to use the
5 least amount of force possible to effect an arrest or
6 detain somebody.

7 Q. Right. And in Taser training don't you train
8 officers that the Taser is a preferable option to lethal
9 force?

10 A. I wouldn't say it's preferable. It's just an
11 option that's used when intermediate force would be
12 appropriate.

13 Q. Is it true that you train officers that if the
14 Taser is available and it would reasonably be expected
15 to stop an attack by a person holding a knife that --
16 and there are other officers who are available to act as
17 lethal cover, that you should use a Taser first?

18 A. I wouldn't say we use them to use that -- I
19 wouldn't say we would have them use that first. It's
20 really up to the officers on scene. It depends what the
21 appropriate use of force would be. The Taser is an
22 option that officers have at their availability.

23 Q. But you do train officers that the
24 availability of a less lethal option could vitiate the
25 need for a lethal option or for a lethal use of force,

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1 correct?

2 A. It could, yes.

3 Q. Okay. And because the lethal use of force is
4 the end of it all, you would want to use the lesser
5 lethal option if it's reasonable to do so, correct?

6 A. I think we always train that the least amount
7 of force possible is the most effective way to effect an
8 arrest.

9 Q. Okay. And is the most reasonable way to
10 effect an arrest, correct?

11 A. Yes.

12 Q. Okay. Have you ever trained officers that you
13 should not use the Taser -- you should not use a Taser
14 if a person is armed with a weapon such as a knife?

15 A. That we should not use the Taser?

16 Q. Right.

17 A. We -- not on a one-on-one situation, no. We
18 don't train that way.

19 Q. I understand. On a one-on-one situation we
20 discussed that already. But in a situation where you
21 have multiple officers present, let's say you have three
22 officers present, and all of them have Tasers and all of
23 them have guns, do you train officers that you should
24 not use the Taser against the person who is holding a
25 knife?

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DECLARATION OF WITNESS

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed this 13th day of MARCH,
2020, at HAYWARD, CA.
(City) (State)


TREVOR VONNEGUT

DEPOSITION OF SERGEANT TREVOR VONNEGUT

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF ALAMEDA)
 4

5 I hereby certify that the witness, Trevor
 6 Vonnegut, in the foregoing deposition appeared before
 me, Kelly McKissack, a Certified Shorthand Reporter and
 7 a disinterested person.

8 Said witness was then and there at the time
 and place previously stated by me placed under oath to
 9 tell the truth, the whole truth and nothing but the
 truth in the testimony given on the date of the within
 deposition; that the deposition is a true record of the
 10 witness' testimony as reported by me.

11 The testimony of the witness and all questions
 and remarks requested by Counsel was reported under my
 12 direction and control, caused to be transcribed into
 typewritten form by means of Computer-Aided
 13 Transcription.

14 I am a Certified Shorthand Reporter licensed
 by the State of California, and I further certify that I
 15 am not interested in the outcome of the said action, nor
 connected with, nor related to any of the parties in
 16 said action, nor to their respective counsel. I am not
 of counsel or attorney for either or any of the parties
 17 to the case named in the within caption.

18 IN WITNESS WHEREOF, I have hereunto affixed my
 signature this 10th day of February, 2020
 19
 20

21 ___/s/Kelly McKissack_____

22 Kelly McKissack
 Certified Shorthand Reporter
 23 California License No. 13430
 24

25 --o0o--

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WITNESS LETTER

TO: Sgt. Trevor Vonnegut Date: 03.06.20
c/o Michael G. Vigilia, Sr. Asst. City Attorney
CITY OF HAYWARD Depo: 01.27.20
777 B Street Ref. #20012703C
Hayward, CA 94541

RE: AG.G...J.Aquino; K.Gonsalez v. City of Hayward, et al.

Dear Sgt. Vonnegut:

Please be advised that the transcript of your deposition taken in the above matter has been completed and is now available at this office for your reading and signing.

Please contact our office between the hours of 9:30 a.m. and 5:00 p.m. Monday-Friday, to schedule an appointment. Or, if you prefer, contact the attorney to review and sign the copy of your deposition under penalty of perjury.

Read the transcript making any changes necessary. In making any changes, please use the following guide:

1. DO NOT WRITE on the original transcript.
2. SIGN UNDER PENALTY OF PERJURY at the end of the Deposition on the Certificate of Witness Page.
3. List each change on the Deposition Errata Sheet following this page. Signature is required at the bottom of the Errata Sheet.
4. Forward the signed Certificate of Witness Page and signed Errata Sheet in addition to a copy of this letter to:

Barbara J. Butler & Associates
Certified Court Reporters
P.O. Box 3508, Santa Clara, CA 95055
(510) 832-8853 or (408) 248-2885.

Upon receipt of items requested in this letter, I will forward copies of same to all Counsel.

In the event you have not reviewed your deposition within 35 days or by trial date, whichever is sooner, the original transcript will be sealed pursuant to applicable laws and thereafter mailed to the deposing attorney.

Sincerely,

/s/Barbara J. Butler
Barbara J. Butler, CSR

cc: All Counsel